IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION No. 178 OF 2006
IN
COMPANY PETITION No.938 OF 1999

Matacore Electricals Ltd. PETITION

Vs.

Argus Industries Limited RESPONDENT

National Small Industries
Corporation Ltd. APPLICANT

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Mrs. P. Dholakia i/b Dholkia Gupte & Co.

Mrs. K. V. Gautam, Dy. Official Liquidator.

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CORAM : S.C. DHARMADHIKARI, J.

DATE : MARCH 18, 2006.

P.C. :

1. Applicant, a Government of India Enterprise has filed a suit, being a summay suit No. 1695 of 2002 against the respondent company, which is in liquidation and the said suit is pending in this Cout. The applicant prays for leave under Section 446 of the Companies Act of continue the suit against official liquidator, who is appointed as

liquidator of the respondent company in liquidation.

2. The liquiator submits that permission may be granted but the applicant should be directed to pay costs of the official liquidator for prosecuting the suit.

3. She relies upon several orders passed by this Court.

4. In the absence of any details with regard to the number of the suit and proceedings pending against the company in liquidation and further in the light of the fact that applicant is a Government of India Enterprises, I am unable to accede to the submission of the official liquidator, with regard to imposing the condition for payment of costs.

5. The Company Application is therefore, allowed in terms of prayer Cl. (a), upon leave being granted, it would be for the applicant to amend the plaint and other proceedings. Said amendment be caried out within a period of two

weeks, and copy of the amended plaint be served within a period of four weeks.

6. It would be open for the official liquidator to file written statement within a period of six weeks from the date of received of amended plaint.

7. No orders as to costs.

(S.C. DHARMADHIKARI,J.)